

memorandum

DATE: September 25, 2012

TO: Michael S. Flad, City Manager

FROM: Greg Herrmann, Community Development Director,
Via Patrick Prescott, Acting Assistant Community Development Director
by Martin Potter, Planning Technician

**SUBJECT: Project No. 12-0000482 - Zone Text Amendment
Comprehensive Update to the Zoning Use List**

PURPOSE:

The purpose of this report is for the City Council to consider an ordinance approving a Zone Text Amendment (ZTA) to update the Zoning Use List in Burbank Municipal Code (BMC) Section 10-1-502 and the definitions of uses in Section 10-1-203. The proposed ZTA would streamline and simplify the Zoning Use List, making it more contemporary, relevant, and easier for the public to read and understand.

BACKGROUND:

The Zoning Use List is a matrix of uses that are permitted in all non-residential zones and what approvals are required, if any, such as a Conditional Use Permit (CUP). The Burbank City Council approved a ZTA in November 2010 to reorganize the Zoning Use List, which organized uses into ten general categories. Staff's intent was to systematically update each category to simplify and consolidate uses where possible. In March 2011, a second ZTA was approved to update the Industrial & Manufacturing category of the Zoning Use List, which reduced the number of uses in that category from 127 specific uses down to 15 (Exhibit A).

In July 2011, staff presented a third ZTA to the City Council for its consideration which would have consolidated uses within the Retail Sales and Dining, Professional Offices and Services, and Medical and Care categories. After reviewing the proposed ZTA, the Council directed staff to conduct additional outreach to the Magnolia Park, Media District, and Rancho areas, as the proposed changes could have unforeseen and unintended consequences in those neighborhoods. Staff engaged in additional outreach with the community and returned to the Council with a revised proposal in May 2012. Some Council members were still concerned with the lack of input received from the public, businesses, and organizations such as the Burbank Chamber of Commerce and Burbank Association of Realtors. Prior to taking action, the City Council directed staff to engage in more outreach in order to provide additional opportunities for both the City Council and the public to more thoroughly review the proposed ZTA. Staff presented the Council with an outreach plan on June 5, 2012, which was approved by the Council.

Staff has completed the additional outreach, which included meeting with community members and study sessions with the Council. Staff was pleased by the increased interest shown by the community and appreciated the additional direction received during the Council study sessions.

Staff reviewed all of the input and feedback received as a result of the outreach and made additional revisions to the proposed ZTA where appropriate.

ANALYSIS:

Since new types of businesses spring up and older businesses evolve over time, cities often review their Zoning Use Lists to ensure that their lists remain contemporary, relevant, and easy to read. Burbank has not undertaken a comprehensive revision of the Zoning Use List since 1998, when all of the uses were reorganized alphabetically into a table format. Instead, the City has historically opted to add new uses as situations arise, without consolidating or redefining existing uses. This has resulted in a document that is overly complex and outdated in many respects. After reviewing the use lists and definitions of several cities for comparison, staff observed that many of them classify and define uses within broad use types. The definitions for these use types describe the intent of the use and provide examples of the uses that would or would not be allowed.

Staff believes that the Zoning Use List may be simplified along these lines. While some level of specificity will always be necessary, staff believes that refining the Zoning Use List to contain broader uses and clear definitions will result in a document that is easier for the public to understand, search through, and interpret. Exhibit B demonstrates how existing uses would be consolidated; the final product is provided as Exhibit C. The following is a breakdown of each category of the Zoning Use List. A sample of how uses would be consolidated is provided for each category:

Residential and Lodging (Exhibit B, Page 1):

The Residential and Lodging category encompasses a small number of residential uses that are permitted in commercial and industrial zones. After reviewing the existing uses within this category, staff discovered two uses that may be consolidated. The proposed use to be created is:

- **Hotel/Motel**

Proposed definition: Exhibit D, page 8

Example – Proposed “Hotel/Motel” use

The proposed “Hotel/Motel” use would combine two existing uses, “Hotel – including incidental commercial uses” and “Motel”. The zoning for these two uses is nearly identical, and the land use impacts associated with both uses are substantially similar. These uses would continue to be permitted, with only minor changes that are consistent with the land use categories designated in the General Plan and the BMC Zoning Map.

Additionally, the existing “Residential only (pursuant to the Burbank Center Plan)” use, which is currently permitted by-right, is proposed to require a CUP in order to accurately reflect the property development standards within the Burbank Center Plan (BMC Section 10-1-2528).

Public and Semi-Public Facilities (Exhibit B, Page 1):

The Public and Semi-Public Facilities category contains uses that are typically municipally owned and/or operated, and which cannot be classified in another category. After reviewing the

existing uses within this category of the Zoning Use List, staff noted two uses which may be consolidated. The proposed use to be created is:

- **Library**

No proposed definition

Example – Proposed “Library” use

The proposed “Library” use would combine two existing uses, “Library” and “Library – municipal”. The zoning for these uses is nearly identical, and the land use impacts associated with both uses is also expected to be nearly identical. The use would continue to be permitted with only minor changes in where it is permitted that are consistent with the land use categories designated in the General Plan and the BMC Zoning Map.

As part of the outreach process, staff met with residents of the Rancho neighborhood that were involved with creating the Rancho Master Plan, who suggested that while combining the two Library uses would be appropriate, a CUP should be required in the RC zone, to provide some level of oversight in the event that a private library chose to locate there. Staff concurred with this and amended the proposed ZTA to allow both public and private libraries in the RC zone, subject to a CUP.

Recreation, Education, and Assembly (Exhibit B, Pages 1-3):

The Recreation, Education, and Assembly category contains uses that may be municipally owned and/or operated, and which cannot be classified in another category. After reviewing the existing uses within this category of the Zoning Use List, staff noted a number of uses which may be consolidated. The proposed uses to be created in this category are:

- **Amusement/Recreation – Commercial**

Proposed definition: Exhibit D, page 1

- **Places of Assembly**

Proposed definition: Exhibit D, page 12

- **Equestrian Recreation**

Proposed definition: Exhibit D, page 6

- **Sports Arenas & Fields**

Proposed definition: Exhibit D, page 16

Example – Proposed “Equestrian Recreation” use

The simplest example of how uses would be consolidated in this category is in the proposed “Equestrian Recreation” use, which would encompass two existing uses: “Equestrian show” and “Riding academy”. The zoning for both uses is identical, and the land use impacts for both uses are expected to be nearly identical. Both uses would continue to be permitted with a CUP in the C-R zone; therefore, no changes would be required in this case, and the proposed new use would remain consistent with the land use categories designated in the General Plan and the BMC Zoning Map.

Example – Existing “Archery range” uses

A more complex example of consolidation is in the proposed “Amusement/Recreation – Commercial” use, which consolidates 15 recreational uses into one. Many of these uses are inconsistent in their zoning, but can be made more consistent through consolidation. For

example, two existing uses are “Archery range – in c.e.b.” and “Archery range”. The first use is limited to being within a completely enclosed building, while the second use may be an outdoor, open-air archery range. The less intensive “Archery range – in c.e.b.” is only permitted in three zones, none of which overlap with the more intensive “Archery range”, which is allowed in nine zones.

This means that if a business owner wanted to open an indoor archery range, they would be limited to the C-3, C-4, and C-R zones, and prohibited from opening in the M-1, M-2, MDC-3, MDC-4, BCCM, MPC-2, MPC-3, AP, and RR zones, even though an open-air archery range would be allowed in those zones. Staff believes that less intensive uses should be allowed in zones where more intensive versions of the same use are already allowed. The proposed consolidation addresses this inconsistency by recognizing that an indoor archery range has less significant impacts than an unenclosed one, and that consolidating these uses is a logical way to simplify the Zoning Use List.

Example – Sensitive uses

Some Council members indicated that churches should not be consolidated into the new “Places of Assembly” use. Staff revised the proposed ZTA so that churches would remain as a separate use. Similarly, some community members felt that shooting galleries/ranges should not be combined into “Amusement/Recreation – Commercial”, as they represent a sensitive type of use. In response, staff determined that the best course of action was to combine the two existing “shooting gallery/range” uses together into their own new use, rather than consolidating them with other recreational uses.

Retail Sales and Dining (Exhibit B, Pages 3-4):

The Retail Sales and Dining category contains commercial uses that typically experience moderate to high volumes of patrons and which provide shopping and/or dining experiences for customers. After reviewing the existing uses within the Retail Sales and Dining category, staff explored ways to consolidate many similar uses into a few broader use types. The proposed uses to be created are:

- | | |
|---|---|
| ▪ Retail Sales – General
<i>Proposed definition: Exhibit D, page 15</i> | ▪ Secondhand Store
<i>Proposed definition: Exhibit D, page 16</i> |
| ▪ Retail Sales – Outdoor
<i>Proposed definition: Exhibit D, page 15</i> | ▪ Wholesale Business
<i>Proposed definition: Exhibit D, page 19</i> |

Example – Existing “Retail store/sales” use

“Retail store/sales” is an existing use which is permitted by-right in the majority of commercial zones throughout the city. However, the Zoning Use List also contains a range of highly specific retail uses, all with differing zoning requirements and no definitions.

Example – Proposed “Retail Sales – General” use

Examples of these specific retail uses include: “Appliance store”, “Awning shop”, “Clothing store”, “Florist shop”, “Hardware store” and “Picture frame store”. Staff realized that these uses were differentiated only by the types of products they sold. Since a general retail use already

exists and is permitted by-right in many zones, it is possible to consolidate the other retail types into that use. Therefore, staff proposes to consolidate all of these retail uses into “Retail Sales – General” with the same zoning requirements as “Retail store/sales”. Any zoning changes that would occur would remain consistent with the land use categories designated in the General Plan and the BMC Zoning Map.

Example – Refining the “Retail Sales – General” category

As a result of community outreach and direction from the study sessions, some uses that were originally proposed to be consolidated into Retail Sales – General, such as “drugstore” and “department store”, were later determined to have different impacts from general retail uses that warranted keeping them as separate uses. Therefore, “drugstore” and “department store” will remain as they currently exist on the Zoning Use List. Similarly, uses within the proposed “Building Material Sales” category were found to have similar traffic and land use impacts with outdoor retail uses. As such, staff has consolidated the two existing building material sales uses into the proposed “Retail Sales – Outdoor” use. A related use, “Home Center”, will remain on the Zoning Use List as a separate use. One example of a Home Center is the Do-It Center on Magnolia Boulevard, which is in the MPC-3 zone.

Additionally, staff is proposing to keep the existing “Wholesale business – no warehousing” use as a separate use, instead of combining it into the new “Wholesale Business” use, as originally proposed. This change was proposed as a result of feedback received by two Rancho residents, who noted that this use was only permitted in three Rancho zones and should remain separate. Finally, staff is proposing to move “Boat dealer”, which had originally been placed under this category, to the Vehicle Related category.

Staff originally proposed to allow the “Retail Sales – General” use by-right in the GO and C-R zones. During a meeting with Rancho residents who had been involved in the creation of the Rancho Master Plan, the residents explained that these zones were never intended for such a wide range of retail uses, but that allowing general retail uses with a CUP would be acceptable since a CUP could provide additional control over any potential retail uses. Staff agreed and has incorporated this suggestion into the proposed ZTA.

Professional Offices and Services (Exhibit B, Pages 4-7):

The Professional Offices and Services category consists of businesses that provide a wide array of services and employment. While reviewing the existing uses, staff noted a number of opportunities for consolidation. The proposed uses to be created are:

- | | |
|--|--|
| ▪ Animal Services
<i>Proposed definition: Exhibit D, Page 1</i> | ▪ Offices – Medical
<i>Proposed definition: Exhibit D, Page 12</i> |
| ▪ Farrier/Blacksmith
<i>Proposed definition: Exhibit D, Page 7</i> | ▪ Personal Services
<i>Proposed definition: Exhibit D, Page 12</i> |
| ▪ Financial Services
<i>Proposed definition: Exhibit D, Page 7</i> | ▪ Professional Support Services
<i>Proposed definition: Exhibit D, Page 13</i> |

- **Hospital**
Proposed definition: Exhibit D, Page 9
- **Laundry/Dry Cleaning Services – On-site**
Proposed definition: Exhibit D, Page 10
- **Laundry/Dry Cleaning Services – Off-site**
Proposed definition: Exhibit D, Page 10
- **Offices – Business or Professional**
Proposed definition: Exhibit D, Page 12
- **Repair & Maintenance Services – On-site**
Proposed definition: Exhibit D, Page 14
- **Repair & Maintenance Services – Off-site**
Proposed definition: Exhibit D, Page 14
- **Research & Development**
Proposed definition: Exhibit D, Page 14

Example – “Offices – Medical”

“Offices – Medical” is a proposed use which would incorporate three other existing uses: “Clinic – dental”, “Clinic – medical”, and “Laboratory – X-ray, treatment, or clinic”. Medical offices are currently listed along with business offices and professional offices on the Zoning Use List, despite having a higher parking requirement. Staff believes that for clarity, medical offices should be listed as a separate use. Similarly, staff believes that medical and dental clinics have similar land use impacts as medical offices, and may be combined with them. These would all continue to be permitted uses, with only minor zoning changes that are consistent with the land use categories designated in the General Plan and the BMC Zoning Map.

Example – Fine tuning of existing uses

Staff is proposing to rename “Auction – in c.e.b.” to “Auction House” and move out of the Professional Offices and Services category and into the Recreation, Education and Assembly category. Staff is also proposing to allow the existing “Taxidermist” use to be permitted by-right in the M-1, M-2, and BCC-2 zones, since existing businesses are located in those zones and have not been detrimental to those neighborhoods. Taxidermists are currently allowed by-right in zones that normally allow for less intensive uses, such as the C-3 and C-4 zones; therefore staff believes that allowing taxidermists in higher-intensity zones such as M-1 and M-2 is appropriate.

Example – Proposed “Animal Services” use

Through the public outreach process, a member of the public pointed out that the proposed Animal Services use would not be permitted in the BCC-2 zone, even though there is an existing animal hospital located in that zone. After reviewing this information, staff opted to allow Animal Services in the BCC-2 zone, subject to a CUP.

Example – Proposed “Laundry/Dry Cleaning Services” uses

During study sessions with the Council, the traffic and land use impacts surrounding laundry and dry cleaning services were discussed. Staff revisited the proposed zoning for these uses and chose to split the proposed “Laundry/Dry Cleaning Services” use into two new uses; one which represented businesses providing on-site services and one for businesses that accept laundry, but which do not provide washing/dry cleaning on-site. Similarly, the existing “Laundromat” was

originally proposed to be combined into a new “Personal Services” use; however it will now be left as an independent use, with no zoning changes proposed.

Example – Existing “Automobile towing” use

Staff had proposed to combine the existing “Automobile towing” use into the proposed “Repair & Maintenance Services – Off-Site” category. During the study sessions, some members of the Council indicated that this use might be more appropriately placed in the Vehicle Related category. Staff concurred with this and relocated “Automobile towing” into the Vehicle Related category, where it will remain as an independent use and retain its existing zoning.

Media Services (Exhibit B, Pages 7-8):

The Media Services category contains a broad range of media-related business types, ranging from production studios to film storage services. Staff determined that there were a large number of uses with similar functions and land use impacts in this category, and therefore a number of opportunities for consolidating uses. The proposed uses to be created are:

- **Motion Picture Studio**

Proposed definition: Exhibit D, Page 11

- **Post-Production Services**

Proposed definition: Exhibit D, Page 13

Example – Proposed “Studio – Broadcasting, Recording, and Rehearsal” use

Staff’s original recommendation included combining the existing broadcasting, recording, and rehearsal studios into one use. Through discussions with the public during the outreach process, staff was made aware of potential impacts that may occur when rehearsal studios are residentially-adjacent, and chose to revise the proposed ZTA so that the use would remain separate and retain the existing zoning, which explicitly prohibits residentially-adjacent rehearsal studios.

Example – Proposed “Post-Production Services” use

Staff is proposing to combine six existing post-production uses into a single “Post-Production Services” use. Rather than providing a single service, many modern post-production companies offer a variety of services, including the uses described on the Zoning Use List. Staff believes it is logical to have one post-production use that allows a potential business to provide any or all of these services. The six existing uses have identical zoning and very similar land use impacts, so consolidating them into one use will not result in any new zoning changes or introduce these uses into areas where they were previously prohibited.

Industrial and Manufacturing (Exhibit B, Pages 8-9):

The Industrial and Manufacturing category contains industrial uses ranging from warehousing and storage uses to heavy manufacturing. This category was already consolidated through a ZTA in 2011, which reduced the number of industrial uses from 127 to 15. After reviewing the uses within the Zoning Use List, staff noted one existing use, “Truck rental – including tractor and trailer”, which should have been consolidated during the last ZTA. This use was originally placed in the Vehicle Related category of the Zoning Use List.

After further research, staff determined that establishments that rented tractor-trailer trucks would be more suited to the “Heavy equipment rental” use in the Industrial and Manufacturing

category since that use contains similar uses related to the rental of construction equipment. Additionally, “Heavy equipment rental” is proposed to be renamed “Equipment rental – Heavy” to be more consistent with other use names. The proposed zoning changes for this use would remain consistent with the land use categories designated in the General Plan and the BMC Zoning Map.

Additionally, staff is proposing to rename “Equipment rental – light, no trucks” as “Equipment rental - Light” and allow it to be permitted by-right in the M-1 and M-2 zones, however the use would require a CUP if residentially-adjacent.

Transportation and Communication (Exhibit B, Page 9):

The Transportation and Communication category contains uses ranging from transit facilities to wireless telecommunications facilities. After reviewing existing uses within this category and the Industrial and Manufacturing category, staff noted three uses which may be consolidated. The proposed use to be created is:

- **Freight Terminal/Yard**

Proposed definition: Exhibit D, Page 7

Example – Proposed “Freight terminal/yard” use

The proposed “Freight terminal/yard” use would combine three existing uses, “Freight terminal or yard”, “Trucking yard or terminal”, and “Moving van & storage yard”. The zoning for these uses is nearly identical, and the land use impacts associated with both uses is also expected to be nearly identical. These uses would continue to be permitted with only minor zoning changes that are consistent with the land use categories designated in the General Plan and the BMC Zoning Map.

Vehicle Related (Exhibit B, Pages 9-10):

The Vehicle Related category consists of businesses that provide a wide array of vehicular services. While reviewing the existing uses, staff noted a number of opportunities for consolidation. The proposed uses to be created are:

- **Vehicle Service & Repair**

Proposed definition: Exhibit D, Page 19

- **Vehicle Rental**

Proposed definition: Exhibit D, Page 19

- **Vehicle Dealer – New and Used**

Proposed definition: Exhibit D, Page 19

Example – Proposed “Vehicle Rental” use

“Vehicle Rental” is a proposed use which would incorporate two existing uses: “Automobile rental” and “Truck rental – except tractor and trailer”. The land use impacts for both types of uses are expected to be similar and the proposed zoning changes are consistent with the land use categories designated in the General Plan and the BMC Zoning Map.

Example – Existing “Automobile body or fender repair” use

Staff’s initial proposal included combining the existing “Automobile body or fender repair” use along with other similar vehicle repair uses into a new “Vehicle Service & Repair” use. After receiving direction during the City Council study sessions, staff examined the potential land use impacts of this use in relation to other repair uses, and separated it out of the proposed new use so that it will retain its existing zoning. Staff also relocated the existing “Automobile towing” use into the Vehicle Related category, where it will remain as an independent use.

Relocation of Footnotes (Exhibit B, Page 11):

The footnotes that appear on the existing Zoning Use List are currently spread out over a number of pages and can be found at the bottom of each page (Exhibit A). During the process of consolidating uses, staff believed that it would be easier to find and read the footnotes if they were all in one location. Therefore, the footnotes have all been relocated to the last page of the Zoning Use List, as indicated in Exhibits B and C.

Proposed Definitions:

As previously described in this staff report, many of the existing uses in the Zoning Use List are undefined in the BMC, which has made it difficult for staff to determine the differences between similar-sounding uses. Staff has attempted to create clear definitions that account for the consolidated uses and are broad enough to allow for similar types of businesses that may wish to locate in Burbank in the future (Exhibit D).

Changes to Zoning:

In some cases, a use that was not permitted in a zone may now be allowed, either by-right or with a CUP, as a result of consolidating uses into broader categories. Requiring a CUP for some uses would allow for discretionary review of the business, for conditions to be attached by the Planning Board, and for the application to be appealed to the City Council. Given the limited number of currently permitted uses that would now require a CUP, staff believes that the additional financial and time costs associated with the CUP process would not affect most businesses or result in an excessive burden.

Example – Proposed “Retail Sales – Outdoor” use

The proposed “Retail Sales – Outdoor” use combines three existing uses, one of which is the existing “Building material sales – in c.e.b.” use. This use is currently not permitted in either the M-1 or M-2 zones. Staff believes that allowing this use to operate in industrial zones is appropriate, especially since a more intensive use, “Building material sales”, is already permitted in those zones.

In a few cases, uses that are currently allowed in some zones would now be prohibited. Again, given the limited number of uses affected and the limited geographic area of the affected zones, staff believes the effect of these changes to be minimal, and that any proposed zoning changes to specific uses are consistent with the land use categories as designated in the General Plan and the BMC Zoning Map.

Example – Existing “Theater – drive-in” use

Drive-in theaters are currently permitted by-right in the M-2 zone, but would need a CUP if residentially-adjacent. Since no drive-in theaters have existed in Burbank since the late 1980s, and drive-ins are not expected to experience a resurgence in popularity, staff believes that prohibiting them in the M-2 zone would not constitute a significantly negative effect to the City.

Example – Consistency with the Burbank Center Plan

The Zoning Use List contains many inconsistencies in its current form. One example of inconsistency with the BMC is the existing “Residential only (pursuant to the Burbank Center Plan)” use, which the Zoning Use List identifies as permitted by-right in the BCC-3 zone. However, the Burbank Center Plan specifies that residential uses in this area should be permitted with a CUP, not by-right.

Example - Consistency with the Media District Specific Plan

Another example of inconsistency with a Specific Plan involves medical and dental clinics in the Media District Specific Plan (MDSP). According to the MDSP, uses such as “health facilities” and medical or dental laboratories should be permitted in the MDM-1 zone with a CUP. Medical and dental clinics are currently prohibited in the MDM-1 zone on the Zoning Use List. However, staff believes that these uses are consistent with the intent of this zone and similar to other uses that are allowed with a CUP. Therefore, staff proposes to remedy this by allowing medical and dental laboratories to operate with a CUP in this zone.

Examples – Deleting uses

Only a few uses are proposed to be eliminated, most of which can be accounted for by another use on the Zoning Use List. For example, in the Vehicle Related category, there is an existing “Automobile wrecking yard” use. After researching this type of use, staff concluded that a wrecking yard was functionally similar to a junkyard, which is an existing use in the Industrial and Manufacturing Category.

However, some uses cannot easily be accounted for by another use. An example from the Professional Offices and Services category is “Ticket agency – incidental use only.” This use is proposed to be removed from the Zoning Use List since it was clearly meant to be incidental to some other primary use, but without a definition provided in the BMC to indicate what it would be incidental to, it is unclear what the purpose of this use is.

Additional Outreach:

Subsequent to the study sessions with the Council, staff met with the Burbank Chamber of Commerce and Burbank Association of Realtors on separate occasions in order to get their perspective on the revised proposal for the Zoning Use List. Staff also met with representatives from the Rancho neighborhood who were involved in the creation of the Rancho Master Plan in order to help ensure that none of the proposed changes would detrimentally affect Rancho zoning. The following is a summary of the comments received and staff’s response:

Burbank Chamber of Commerce:

Staff met with representatives from the Chamber to discuss the revised proposal for the Zoning Use List. In general, the Chamber supported staff's effort to simplify the Zoning Use List and staff's desire to improve the process that applicants go through when trying to open a business in Burbank. The Chamber's primary concern was related to potential problems that may arise when a new use is proposed that is not covered on the Zoning Use List. Staff explained that there are several options that exist in situations such as these:

- Staff may be able to classify the use after further research and deliberation;
- Staff may be able to find two similar businesses that are permitted uses, in which case the applicant may request a City Planner CUP; or
- The Zoning Use List may be amended at a future time to include the proposed use.

The Chamber was additionally concerned with situations where an existing business becomes a legal non-conforming use. Staff explained that many businesses throughout the city are already legal non-conforming and that those businesses would still be permitted to operate as usual, as long as they did not expand or intensify the use.

Burbank Association of Realtors:

Staff also met with representatives from the Association of Realtors to discuss the proposed revisions to the Zoning Use List. The Association of Realtors was generally in favor of the proposed update, recognizing staff's desire to protect residential neighborhoods from the impacts of commerce and industry by requiring a CUP for many uses when they are residentially-adjacent. The main concern expressed was ensuring consistency between the Zoning Use List and master plans, such as the Rancho Master Plan or MDSP.

Meetings with Rancho Residents:

Staff met on two occasions with residents who had been involved with the creation of the Rancho Master Plan. As a result of feedback received in those discussions, staff made additional revisions to uses in Rancho zones, such as requiring a CUP for "Retail Sales – General" in the GO and C-R zones.

Throughout the outreach process, staff has heard from some Rancho residents who would prefer a separate use list for the Rancho zones. Staff believes that creating separate use lists for the Rancho zones, or for other neighborhoods, such as the Media District or Magnolia Park, could be unnecessarily complex and could be more confusing to residents and business owners who are interested in opening a business in Burbank. Since beginning this process, staff's desire has been to create a simpler way for residents and business owners to understand zoning. For simplicity and ease of use, staff recommends maintaining a single Zoning Use List that encompasses all of the zones in Burbank.

Environmental Review:

Pursuant to the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared for the project, which indicates that the project will not have a significant effect on the surrounding environment. (Exhibits E, F)

Council Goals:

The ZTA furthers the Council's goals of Economic Development and Communication, Transparency, and Community Engagement for Fiscal Year 2012-13 by simplifying the Zoning Use List and by adding definitions to clarify the meaning of uses, both of which are intended to make the Zoning Use List easier for the public to understand and use.

PLANNING BOARD CONSIDERATION:

The Planning Board originally considered the proposed ZTA at a public hearing on April 9, 2012 (Exhibit G) recommending the ZTA for approval by a vote of 4-1 and commended staff's desire to make the planning process simpler in order to better serve the public (Exhibit H). Board members inquired about residentially-adjacent businesses and their potential impact on neighborhoods as a result of the proposed ZTA. Staff explained that the majority of residentially-adjacent businesses would continue to require a CUP in order to provide additional protection for residents, as has been the case for a number of years. Staff also explained that the proposed ZTA would not change the definition of "residentially-adjacent".

On August 27, 2012 staff presented the Planning Board with an update on changes made to the Zoning Use List. Staff explained that as a result of additional outreach, some minor fine-tuning had been done that involved de-coupling some uses that were originally intended to be consolidated. The Planning Board expressed their continued support for the proposed ZTA and commended staff on their additional public outreach efforts (Exhibit I).

FISCAL IMPACT:

The fiscal impact of the proposed ZTA would be negligible. The amount of staff time needed to research a proposed use would decrease, since the Zoning Use List will be much easier to search through and uses will be more clearly defined, resulting in a more efficient application process.

FINDINGS:

Section 10-1-1991 of the BMC requires specific findings to be made to add a use to a list of permitted uses:

The addition of the use will be in accord with the purposes of the zone in which it is proposed to be listed.

As part of this ZTA, new definitions are intended to consolidate existing uses within the BMC, and all uses that are proposed to be consolidated are consistent with the intent of the zones that they are proposed to be added to. In some cases, a use that was not permitted in certain zones may now be allowed by-right or with a CUP, or vice-versa; however, no uses are proposed which would be incompatible with the zone(s) they are proposed to be in.

The proposed use is compatible with and has the same basic characteristics as other permitted uses.

The proposed uses consolidate existing uses in the BMC which have similar zoning and potential land use impacts. All proposed uses are compatible with the zones they are proposed in and are characteristically similar to other permitted uses in their respective categories of the Zoning Use List.

The proposed use can be expected to conform with the required conditions for the zone.

The proposed uses will be expected to conform to the required conditions of those zones where they are allowed or conditionally allowed. The proposed uses consolidate existing uses in the BMC that are presently required to conform to applicable required conditions for the zone.

The proposed use will not be detrimental to the public health safety, or welfare.

The proposed uses are intended to consolidate existing uses in the BMC that have similar zoning and potential land use impacts. As such, the proposed uses will not be detrimental to the public health, safety, or welfare.

The proposed use will not adversely affect the character of the zone.

As part of this ZTA, new definitions are intended to consolidate existing uses in the BMC, and all uses proposed to be consolidated are consistent with the character of the zones they are proposed to be added to. In some cases, a use that was not permitted in certain zones may now be allowed by-right or with a CUP, or vice-versa. No uses are proposed which would be characteristically incompatible with the zone(s) they are proposed to be in.

The proposed use will not create more vehicular or other traffic than the volume normally created by any of the uses permitted.

The proposed uses would not cause more vehicular or other traffic than the volume normally created by any of the uses permitted. The proposed uses consolidate existing uses in the BMC having similar zoning and potential land use impacts. As such, the proposed uses will not create more vehicular or other traffic. Staff conferred with Transportation planners and examined trip generation rates for uses that are proposed to be consolidated to ensure that uses with significantly different trip generations would not be combined, even if they have otherwise similar land use impacts and characteristics. Development occurring pursuant to the proposed ZTA would be subject to BMC requirements and may additionally be subject to environmental analysis pursuant to CEQA where environmental impacts may be mitigated as deemed appropriate.

The proposed use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount, if any, normally created by any of the permitted uses.

The proposed uses would not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amounts normally created by any of the other permitted uses in those zones. Development occurring pursuant to the proposed ZTA would be subject to BMC requirements and may additionally be subject to environmental analysis pursuant to CEQA where environmental impacts may be mitigated as deemed appropriate.

The proposed use will not create any greater hazard of fire or explosion than the hazards normally created by any of the permitted uses.

The proposed uses are intended to consolidate existing uses in the BMC that have similar zoning and potential land use impacts. As such, the proposed uses will not create any greater fire or explosion hazards than are normally created by any of the uses to be consolidated as part of the ZTA. Development occurring pursuant to the proposed ZTA would be subject to BMC requirements and may additionally be subject to environmental analysis pursuant to CEQA where environmental impacts may be mitigated as deemed appropriate.

The proposed use will not cause substantial injury to the values of the property in the zone in which it is proposed to be listed or in any abutting zone.

Some uses which are currently permitted by-right may now require a CUP or not be permitted as part of this ZTA, however, given that staff rarely receives inquiries about the majority of these uses, staff believes this effect to be minimal and that no substantial injury would be caused to property values in the affected zones or elsewhere in the city as a result of the proposed ZTA.

CONCLUSION:

In 2010, the Planning & Transportation Division initiated a reorganization of the Zoning Use List, beginning with classifying the uses into categories, and then by updating the Industrial and Manufacturing category. The proposed ZTA would complete this project by consolidating, simplifying, and clearly defining uses in the Zoning Use List. Staff believes that the proposed ZTA represents an important step towards improving the daily operations of the Planning & Transportation Division by implementing a more contemporary, relevant, easy-to-read document for the public to understand and use.

RECOMMENDATION: Staff recommends that the City Council approve Project No. 12-0000482, and take the following actions:

1. Adopt a resolution adopting a Negative Declaration; and
2. Introduce an ordinance of the City Council of the City of Burbank approving Project No. 12-0000482, a Zone Text Amendment to comprehensively update the Zoning Use List in Burbank Municipal Code Sections 10-1-203 and 10-1-502.

List of Exhibits	
Exhibit	Title
A	Existing Zoning Use List (BMC Section 10-1-502)
B	Proposed Consolidation of uses
C	Proposed Zoning Use List (BMC Section 10-1-502)
D	Proposed Definitions (BMC Section 10-1-203)
E	Negative Declaration
F	Initial Study
G	Planning Board minutes from April 9, 2012
H	Planning Board Resolution from April 9, 2012
I	Planning Board minutes from August 27, 2012

